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## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Pittsfield Police Department to perform their functions based on established legal authority.

### 100.2 POLICY

It is the policy of the Pittsfield Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

### 100.3 POLICE POWERS

Certified members of this department are authorized to exercise peace officer powers pursuant to applicable commonwealth law.

#### 100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE PITTSFIELD POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Pittsfield Police Department includes:

- (a) In compliance with an arrest warrant (G.L. c. 276, § 23).
- (b) When there is probable cause to believe the person has committed or is committing a felony.
- (c) When there is probable cause to believe the person has committed a misdemeanor offense involving a breach of the peace in the presence or view of the officer and the offense is still continuing at the time of the arrest.
- (d) When there is probable cause to believe the person has committed or is committing a misdemeanor offense for which an arrest without a warrant is authorized by statute.

#### 100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PITTSFIELD POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Pittsfield Police Department includes:

- (a) When the officer is in fresh and continued pursuit for any offense committed in his/her presence, within the jurisdiction of the City, if the offense is a felony, or for another offense for which an arrest may be made without a warrant (G.L. c. 41, § 98A).
  - 1. The offense need not be committed in the pursuing officer's presence provided the information is communicated to the officer that another member did observe the offense.
- (b) When requested by a law enforcement officer in another jurisdiction (G.L. c. 37, § 13; G.L. c. 268, § 24).

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- (c) When the officer is acting pursuant to the terms of a City agreement with another jurisdiction to provide mutual aid (G.L. c. 40, § 8G).
- (d) When the officer has been appointed as a special police officer by the outside jurisdiction (G.L. c. 41, § 99).
- (e) When the officer has probable cause to believe a person has committed a felony.
- (f) When there is an arrest warrant for the person (G.L. c. 276, § 23; G.L. c. 41, § 95).

#### **100.4 OTHER AUTHORITY**

Officers of the Pittsfield Police Department may perform police duties within any U.S. reservation that adjoins or includes the City when it is requested by such reservation and approved by the governing body of the City (G.L. c. 22C, § 50).

#### **100.5 INTERSTATE LAW ENFORCEMENT OFFICER POWERS**

Law enforcement officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters an adjoining state in fresh pursuit of a person believed to have committed a felony (Connecticut, C.G.S. § 54-156; New Hampshire, N.H. RSA 614:1; New York, CPL § 140.55; Rhode Island, R.I. G.L. § 12-8-3; Vermont, 13 V.S.A. § 5042).

Whenever an officer makes an arrest in another state, the officer shall take the offender to the appropriate judicial officer where the arrest occurred as soon as practicable (Connecticut, C.G.S. § 54-156; New Hampshire, N.H. RSA 614:2; New York, CPL § 140.55; Rhode Island, R.I. G.L. § 12-8-5; Vermont, 13 V.S.A. § 5043).

#### **100.6 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and the Commonwealth of Massachusetts Constitutions.

#### **100.7 JURISDICTIONAL BOUNDARIES**

The Uniform Division Captain or the authorized designee shall be responsible for developing and maintaining jurisdictional boundary maps, and ensuring that the maps are provided to all new members and are readily available to all members in patrol briefing areas and the Dispatch Center.